

4 April 2014

Our Ref. T0136-00004

Cherine Chalaby, Chair of the New gTLD Program Committee
Steve Crocker, Chair of the ICANN Board
Fadi Chehadé, President & CEO of ICANN
Christine Willett, Vice-President of gTLD Operations
ICANN Board Governance Committee
NewgTLD@icann.org

VIA E-MAIL

cherine.chalaby@icann.org
steve.crocker@icann.org
fadi.chehade@icann.org
christine.willett@icann.org
reconsideration@icann.org

Re: <.微博>, Application ID 1-1313-58483 / LRO2013-0040
<.weibo>, Application ID 1-1313-41040 / LRO2013-0041

Dear Mr. Chalaby,

Thank you very much for your response below.

Further to our last letter, we would like to update you that the second hearing in relation to jurisdiction issue of the lawsuit against Sina will be held at Nanshan District Court of Shenzhen on 10 April 2014. We are preparing for the hearing and will continue to keep you and the New gTLD Program Committee informed of the progress of the lawsuit in China.

You may have received the investigation report of the Ombudsman Chris LaHatte in relation to a complaint filed by Tencent. In this report, the Ombudsman considers there is no unfairness in the Legal Rights Objection process. We understand the purpose of the Ombudsman is to ensure that the members of the ICANN community have been treated fairly. The Ombudsman and Reconsideration, as internal administrative procedure, however shall not affect the evaluation of Tencent's applications while a lawsuit against Sina is ongoing.

Again, we would like to emphasize, the LRO, like Uniform Domain Name Dispute Resolution Policy, is not intended as an exclusive procedure and does not preclude either party from seeking remedies in courts of law. We quote below the answer to a LRO Frequently Asked Question on the website of WIPO Arbitration and Mediation Center (also see the Attachment):

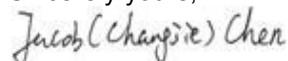
"Do parties retain their court options?

- *The availability of the Legal Rights Objection as an administrative dispute resolution option does not preclude court options which either party may have to submit the dispute to court."*

In UDRP proceedings, if official court documentation is provided evidencing a lawsuit against the complaint has been commenced, the panel decision will not be implemented. The LRO is an administrative proceeding similar to UDRP, but without built-in right to appeal an expert determination. The lawsuit currently remains the sole remedy option available to Tencent. Therefore, while a lawsuit challenging a LRO expert determination is pending, the LRO dispute goes on.

We thus again respectfully request that ICANN does NOT execute a registry agreement with Sina for the applied-for gTLDs <.weibo> and <.微博>, and does NOT proceed to delegate the applied-for gTLDs to Sina, until such time as the rulings from the competent court become available.

Sincerely yours,



Jacob (Changjie) Chen
Attorney-at-Law

Email: Jchen3@iprights.cn Tel: 86-21-31336596 Fax: 86-21-31336597